

United States District Court
Southern District of Texas
FILED

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

JUL 13 2018

for the

Southern District of Texas

Clark of Court

United States of America
v.
Luis Heriberto TOSCANO-Ayala,
YOB: 1985,
COC MEX

Case No.

M-18-1430-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 12, 2018 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 United States Code 841

Did knowingly and intentionally possess with intend to distribute approximately
12 kilograms (gross weight) of cocaine, a Schedule II Controlled Substance;

21 United States Code 846

knowingly and intentionally conspire to knowingly and intentionally possess
with intend to distribute a controlled substance, that is approximately 12
kilograms of cocaine, a Schedule II Controlled Substance,

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"


✓ Continued on the attached sheet.



Complainant's signature

Luis Ozuna HSI TFO

Printed name and title

approved by


Sworn to before me and signed in my presence.

Date: July 13, 2018City and state: McAllen, Texas


Judge's signature

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

Attachment "A"

On July 12, 2018, United States Customs and Border Protection (CBP) requested assistance from Department of Homeland Security Investigations (HSI) from the office of the Resident Agent in Charge, Falcon Heights, Texas regarding a narcotics smuggling attempt. HSI Task Force Officer (TFO) Luis A. Ozuna and Special Agent (SA) Hector Berlanga responded to the Roma Texas Port of Entry (POE) to investigate.

Customs and Border Protection Officers (CBPOs) reported that Luis Heriberto TOSCANO-AYALA (driver), a Citizen of Mexico, was seeking entry into the United States on July 12, 2018 at the Roma, Texas Port of Entry in a 2005 Chevrolet Tracker bearing Nuevo Leon license plate number STZ-96-20. TOSCANO-AYALA was traveling with his fiancé and his grandmother in the vehicle. CBPOs received a negative declaration from the occupants. CBPOs manning primary conducted database queries where CBPOs received a positive match in the database on the vehicle license plates and referred the vehicle for further inspection.

While at secondary, a Canine inspection revealed a positive alert for the odor of narcotics near the rear cargo area of the Chevrolet Tracker. Further inspection by CBPOs of the cargo area floor of the Chevrolet Tracker revealed a non-factory compartment, where CBPOs discovered packages concealed within the compartment. A total of 11 packages were discovered and extracted from the compartment. The packages contained a white powdery substance and tested positive for the characteristics of cocaine. The packages had a total weight of approximately 12 kilograms.

HSI SA Hector Berlanga read TOSCANO-AYALA his rights in the Spanish language, witnessed by HSI TFO L. Ozuna. TOSCANO-AYALA stated he understood his rights and waived his right to have an attorney present. TOSCANO-AYALA confessed he had the non-factory compartment built in his vehicle approximately three months ago and further stated that he would be paid \$3,000.00 dollars to smuggle undeclared bulk currency from the United States to Mexico in this compartment on today's date.

TOSCANO-AYALA was placed under arrest and transported to the Starr County Jail to await his initial appearance before the United States Magistrate Judge in McAllen, Texas.